



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,909	11/18/2003	Karen Lee Metzger	02111	5663

24124 7590 01/12/2006

BOHAN, MATHERS & ASSOCIATES, LLC
PO BOX 17707
PORTLAND, ME 04112-8707

EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,909

Applicant(s)

METZGER ET AL.

Examiner

Lee Y Quach

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 and 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2875

DETAILED ACTION***Response to Arguments***

1. Applicant's election without traverse of species 8, figures 10 and 12, claims 1 to 5, 9 to 16 and 18 in the reply filed on October 31, 2005 is acknowledged. However, it should be noted that claims 3 to 5 do not read on the elected species figures 10 and 12 because these claims are directed to embodiment figures 4 to 6, note page 12, line 5 of paragraph 0037, a double face mirror 401 is described; claims 9 to 11 do not read on the elected species figures 10 and 12 because figures 10 and 12 do not have a length adjustable support pole, note page 14, line 3 of paragraph 0043, a fixed height support stand 1007 is described and a telescoping pole 721A is described in drawing figure 7; claim 12 does not read on the elected species figures 10 and 12 because claim 12 is directed to embodiment figure 7, note page 13, lines 3 and 4 of paragraph 0040, a tripod support stand 707 or a tripod 721 is described; and claims 16 and 18 do not read on the elected figures 10 and 12 because the viewing device or a mirror of figures 10 and 12 is not adjustably mounted on the support stand. Claims 3 to 12 and 16 to 20 are therefore withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. It should also be noted that currently all of the claims are not examined as requested since the generic claim is not allowed, when a generic claim is allowed, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claims as provided by 37 CFR 1.141.

Drawings

2. The drawing figure 7 is objected to as failing to comply with 37 CFR 1.84(p)(5) because it does not include the reference sign (721) as mentioned on lines 4 and 5 of paragraph 0040 in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 2875

Claim Objections

3. Claim 15 is objected to because of the following formalities: In claim 15, there are no proper structural cooperative relationships between the general illumination device, the control module and the elements as recited in claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mercado.

Mercado shows a viewing device such as a mirror (46) mounted on a support stand (either the seat 18 and/or a support base unit 22) with means (34) providing omni-directional positionability of the viewing device, a light beam pointer device (a point light source LED 58) mounted to provide a beam emitted from the light beam pointer device illuminating a spot within an area reflected in the viewing device, a control module including an on/off switch (70) for switching power to the light beam pointer device on or off, a general illumination device (interior vehicle dome lamp), and a control module (dome lamp switch) providing an on/off switch for switching power to the general illumination device.

6. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bradley, III, Mori and Stealy are cited to show other pertinent illuminated viewing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Art Unit: 2875

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
January 5, 2006



Y Quach Lee
Primary Examiner
Art Unit 2875